

To: Fried, Gregory[Fried.Gregory@epa.gov]
From: Brooks, Phillip
Sent: Mon 11/6/2017 3:51:18 PM
Subject: Fwd: Eagle Ford

Sent from my iPhone

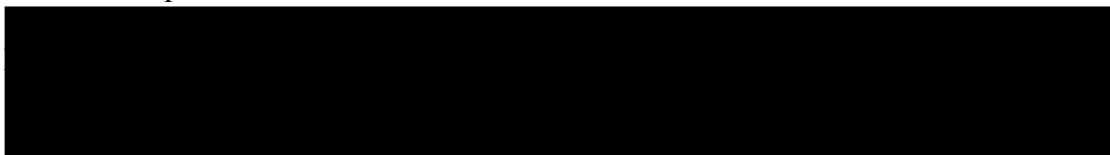
Begin forwarded message:

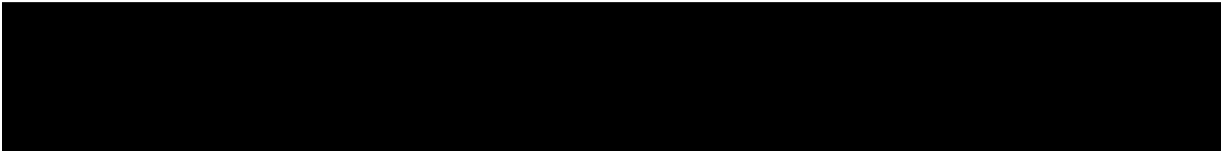
From: "Traylor, Patrick" <traylor.patrick@epa.gov>
Date: November 6, 2017 at 10:39:55 AM EST
To: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Coleman, Sam" <Coleman.Sam@epa.gov>, "Thompson, Steve" <thompson.steve@epa.gov>, "Larson, Darrin" <Larson.Darrin@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>, "Barnett, Cheryl" <Barnett.Cheryl@epa.gov>, "Brooks, Phillip" <Brooks.Phillip@epa.gov>
Cc: "Chapman, Apple" <Chapman.Apple@epa.gov>, "Payne, James" <payne.james@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>
Subject: RE: Eagle Ford

All:

As I was collecting my thoughts for today's VTC on the Eagle Ford, I wrote down some notes for myself. Once I finished them, I couldn't think of a reason why I shouldn't share them with all of you so you can gather your own thoughts along these lines. Here they are:

- We need to take a "OneEPA" approach to the investigation
 - I don't know all of the history of differing points of view between Region 6 and headquarters. All I can say is that I'm observing that we seem to be pushing against each other rather than pulling with each other.
 - A failure to act in a unified way will create confusion and uncertainty at TCEQ and within the regulated community; that undermines our joint credibility, legitimacy, and influence.
 - So I've asked that all get together with the intention to get us to pull in the same direction and make some initial joint decisions that will advance the goal of compliance at these facilities.



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- We need to settle on the best tactics for the Section 114 request (e.g., our requests should be aligned with Texas SIP and guidance language and policies, and they should ensure that we collect information from an adequate cross-section of units).
 - We should plan on how we engage with TCEQ. I see four options for TCEQ:
 - Does TCEQ want to take the lead on these cases (i.e., why can't Texas take these cases)? If so, under the principles of cooperative federalism, we're going to be OK with that *as long as* TCEQ is taking effective steps to ensure compliance and keep the competitive playing field level. It would not be unreasonable for TCEQ to keep EPA in the loop on case development if this is the option, in the same way that we would commit to keeping Texas in the loop under different options [Note: I understand that prior to the 2016 survey inspections, TCEQ signaled that it was OK with EPA taking the lead; is that right? has that changed?]
 - Does TCEQ want to join an EPA lead on these cases? We would absolutely welcome that and we would engage with TCEQ as often as it would like.
 - Would TCEQ prefer that EPA take sole lead on these cases? If so, EPA will commit to keeping TCEQ in the loop (assuming some sort of enforcement confidentiality agreement) as the case progresses so there will be no surprises.
 - Would TCEQ object to these cases being investigated at all? If this is the situation, we will need to convene a candid discussion with the state based on the credible evidence of non-compliance EPA gathered through the survey inspections.
 - Next steps
 - Who will be the joint leads from Region 6 and AED on these cases?
 - To whom does the team elevate differences in points of view so that we keep a OneEPA focus?
 - Convene a meeting between Region 6 and AED to develop a work plan for the matter.
 - Convene a meeting with TCEQ (in Austin?) to discuss the cases. At the very least, the meeting will signal to our state partner EPA's openness to continued partnership (following up on Vopak, for example) with the state, and will in the end result in the kind of clarity we need to make decisions on how to move forward with the cases.

Best,

Patrick

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

(202) 809-8796 (cell)

-----Original Appointment-----

From: Seager, Cheryl

Sent: Thursday, November 2, 2017 4:56 PM

To: Seager, Cheryl; Coleman, Sam; Thompson, Steve; Larson, Darrin; Welton, Patricia; Barnett, Cheryl; Traylor, Patrick; Brooks, Phillip

Cc: Chapman, Apple; Payne, James; Starfield, Lawrence

Subject: Eagle Ford

When: Monday, November 6, 2017 10:15 AM-11:00 AM (UTC-06:00) Central Time (US & Canada).

Where: 9th floor division conference room